

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363757-0

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/13/2003

To: Criminal Investigative
Newark ✓

Attn: IIG/CR Unit
Attn: SAC

From: Newark

Squad C-8

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-NEW

Title: CHARLES A. KUSHNER,
RICHARD STADTMAUER,
d.b.a. KUSHNER COMPANIES,
18 Columbia Turnpike, Florham Park, NJ;
CSLPO - State Level;
MAIL FRAUD;
OO: NEWARK

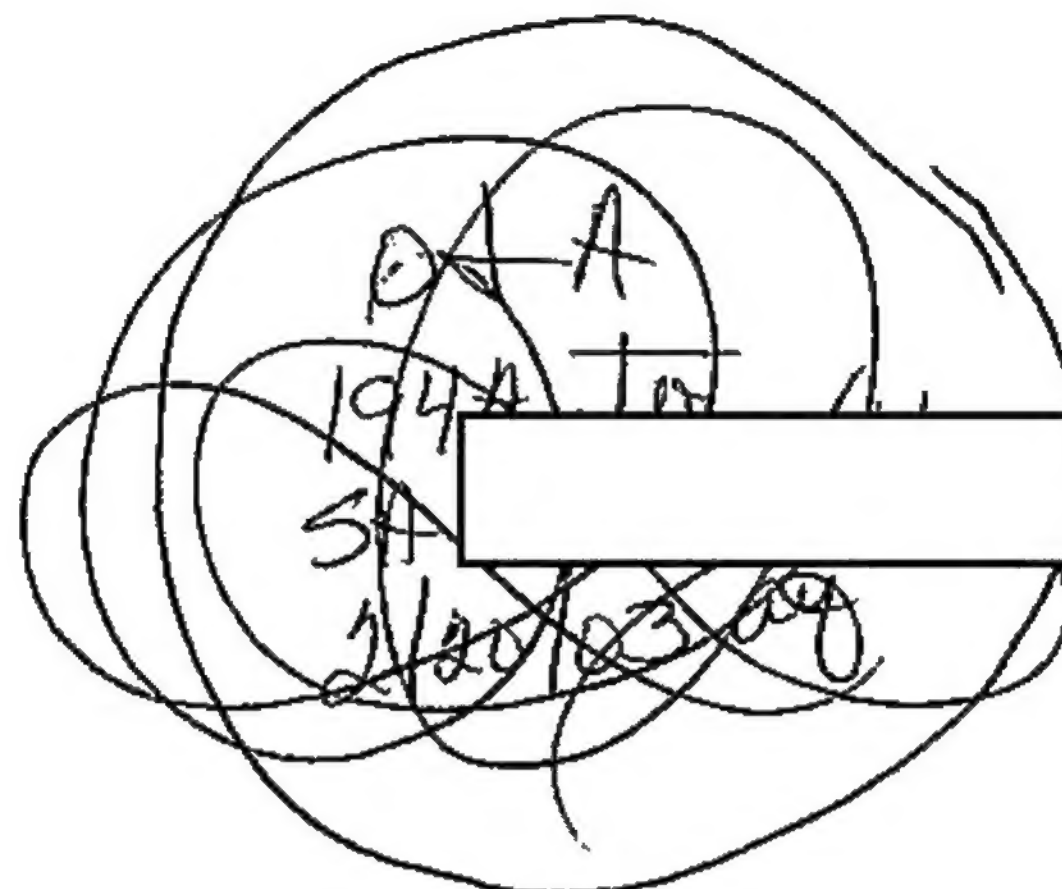
Synopsis: Electronic communication requesting SAC approval to open the captioned public corruption investigation and to advise Criminal Investigative of the investigation.

Enclosure(s): One original and three copies of opening Letterhead Memorandum regarding captioned matter.

Details: The enclosed LHM details the basis for the request to open the captioned investigation.

SAC Authority: [Signature]

Date: 2/19/03



194A-NK-109145-1

To: Criminal Investigative From: Newark
Re: 194A-NK-NEW, 02/13/2003

LEAD(s):

Set Lead 1:

CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

Read and clear.

♦♦



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Newark, N.J. 07102
February 13, 2003

CHARLES A. KUSHNER,
RICHARD STADTMAUER,
d.b.a. KUSHNER COMPANIES,
18 Columbia Turnpike, Florham Park, NJ;
CSLPO - State Level;
MAIL FRAUD;
OO: NEWARK

This investigation was initiated based on a lawsuit filed in United States Federal District Court in Newark, NJ by [redacted]. Since February 1999, [redacted] was employed as the [redacted] by the Kushner Companies. [redacted] accuses Charles Kushner of misappropriating funds that were due to partnerships in his control in order to fund a large amount of political contributions, personal expenses, real estate purchases, and charitable contributions. Kushner is also currently being sued in New Jersey State court by [redacted] who also supports [redacted] allegations that Charles Kushner was misappropriating partnership assets for his personal use.

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Kushner, his businesses and associates gave over \$1.5 million to political funds that benefitted New Jersey Governor James P. McGreevey. Also, since 1997 Kushner and related entities have given over \$3.1 million in political donations to mostly Democratic politicians. After McGreevey took office as Governor in January 2002, Kushner was appointed to the board of the Port Authority of New York and New Jersey (PANYNJ). The PANYNJ is a powerful organization in the New York Metropolitan area that controls development of the three major airports, tunnels, bridges and the former World Trade Center site. Recently, McGreevey has announced that Kushner is his choice to become Chairman of the PANYNJ board.

According to [redacted] lawsuit, Kushner would allocate the expenses of his company to the partnerships he controlled based on the percentage of rental income they generated, and not based on whether the partnerships actually incurred the expenses. Therefore, many of Kushner's partnership were being allocated expenses that they did not incur. Certain partners were receiving a smaller return on their investments because Kushner was spreading costs evenly instead of applying costs to the appropriate entities. [redacted] also alleges that Kushner and his

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194A-NK-109145-2

family paid personal expenses, made political contributions, and made charitable contribution which were applied to the expenses of the partnerships. In regard to political contributions, [redacted] alleged that the political contributions were made without the prior knowledge of the partners and were allocated as expenses to certain partnerships. [redacted] also alleged that Kushner purchased tickets to events and personal trips that were charged to certain partnerships. For example, [redacted] stated Kushner allocated the cost of two Billy Joel concert tickets that he used to the account of a partnership known as Oakwood.

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[redacted] also alleged that Kushner purchased an insurance company from [redacted] who was [redacted] for \$3.4 million. [redacted]

[redacted] Based on the amount of political contributions made to McGreevey and Kushner's appointment to the PANYNJ board, an investigation of the purchase of [redacted] insurance company is warranted to determine if the insurance company purchase price was properly valued or whether an illegal payment was made by Kushner through the purchase.

A review of public sources of information revealed that Kushner Companies are the sole developer of a revitalization project in Perth Amboy, NJ. The project cost is estimated at \$600 million and will include shopping centers, restaurants and luxury town homes and apartments. Kushner's project received a zoning change on part of the land where the Perth Amboy project will be built so that it was designated as a "special needs zone". The zoning change was done by a NJ State agency that held an unscheduled meeting four days before McGreevey took office in January 2002. The zoning change qualified Kushner for low interest loans and grants for the project. Newspaper reports of the zoning change claimed that sources in the State claimed Kushner's zoning change was approved due to his close association to McGreevey.

The United States Attorney's Office in the District of New Jersey has assigned First Assistant United States Attorney [redacted] to the investigation and Federal Grand Jury subpoenas have already been served. AUSA [redacted] believes that [redacted]

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[redacted] Agents from the Internal Revenue Service will also be assigned to work on the investigation.

Date 2/28/03

☐ Birth ☐ Credit ☐ Criminal ☐ Death ☐ INS ☐ Marriage* ☐ Motor Vehicle ☒ Other

To		Buded	<u>2/4/03</u>
Ret		File number	<u>194A-NK-109145-1</u>

Name and aliases of subject, applicant, or employee, and spouse

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b7C

-3

Addresses

Residence

Business

Former

*Date and place of marriage
(if applicable)

Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Age	Height	Weight	Hair	Eyes
Birth date		Birthplace				
Arrest Number		Fingerprint classification		Criminal specialty		
Social Security Number				Drivers License Number		
				<input type="checkbox"/> D/L Photo <input type="checkbox"/> Other		

Specific information desired

Results of check

Lead Completed
ND 302 dated
3/03/03. af

Lead to
SIA 2/27/03
af

IA

2/27/03

affec'd
2/27/03
JAM

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2003

To: Newark ✓

From: Newark

C-8

Contact: SA [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 (Pending) - 4

Title: CHARLES A. KUSHNER;
ETAL;
CSLPO - State Level;
MAIL FRAUD;
OO: NEWARK

Synopsis: Electronic communication requesting the opening of subfiles for the captioned case.

Details: The writer requests that the following subfiles be opened for the captioned case and all are to be assigned to SA [REDACTED]

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194A-NK-109145 Sub 302
194A-NK-109145 Sub NC

194A-NK-109145 Sub BC

194A-NK-109145 Sub SBP

Subfile for FD-302's
Subfile for Newspaper
articles
Subfile for Background
information
Subfile for Subpoenas

♦♦

194A-NK-109145-4

TAM

Date 2/25/2003

☐ Birth ☐ Credit ☐ Criminal ☐ Death ☐ INS ☐ Marriage* ☒ Motor Vehicle ☐ Other _____

To

Buded

Return to

File number

Name and aliases of subject, applicant, or employee, and spouse

~~194B-φ~~ 194A-NK-109145
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Addresses

Residence

Business

Former

*Date and place of marriage
(if applicable)

Race	Sex	Age	Height	Weight	Hair	Eyes
	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female					

Birth date	Birthplace

Arrest Number	Fingerprint classification	Criminal specialty

Social Security Number	Drivers License Number

☐ D/L Photo ☐ Other

Specific information desired

Results of check

Conduct DMV check for address
and DOB. and any other descriptive data.

194A-NK-109145-5

Date 2/25/2003

☐ Birth ☐ Credit ☐ Criminal ☐ Death ☐ INS ☐ Marriage* ☒ Motor Vehicle ☐ Other _____

To

Buded

Return to

File number

Name and aliases of subject, applicant, or employee, and spouse

~~194A-NK-~~
109145-6

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Addresses

Residence

Business

Former

*Date and place of marriage
(if applicable)

Race	Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Age	Height	Weight	Hair	Eyes
------	--	-----	--------	--------	------	------

Birth date

Birthplace

Arrest Number

Fingerprint classification

Criminal specialty

Social Security Number

Drivers License Number

☐ D/L Photo ☐ Other

Specific information desired

Results of check

Conduct DMV check on above individual for any descriptive data and address.

194A-NK-109145-6



1

RECEIVED-CLERK
U.S. DISTRICT COURT

2003 FEB -4 P 2:23

FILED

AT 8:30 2-4-03
WILLIAM T. WALSH
CLERK

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
Attorneys for Plaintiff,
Robert Yontef

ROBERT YONTEF,
Plaintiff,

vs.

WESTMINSTER MANAGEMENT, LLC,
d/b/a KUSHNER COMPANIES,
CHARLES KUSHNER, AND RICHARD
STADTMAUER

Defendants

: UNITED STATES DISTRICT COURT
: FOR THE DISTRICT OF NEW JERSEY
: CIVIL ACTION NO.

03-504
(WJM)

: COMPLAINT AND JURY TRIAL DEMAND

Robert Yontef ("Yontef"), by and through his attorneys,
McCarter & English, LLP, by way of Complaint against Defendants
Westminster Management, Charles Kushner, and Richard Stadtmauer
(collectively, the "Defendants") for illegal retaliatory
discharge and illegal discrimination, avers and states:

THE PARTIES

1. Robert Yontef ("Yontef") is 54 years old; he resides
at 50 Lorelei Road, West Orange, New Jersey. Yontef was the

Accounting Manager at the Kushner Companies until he was terminated in November 2002.

2. Upon information and belief, defendant Westminster Management LLC is d/b/a Kushner Companies (the "Kushner Companies") is a real estate management and development company, with a principal place of business at 18 Columbia Turnpike, Florham Park, New Jersey.

3. Upon information and belief, defendant Charles Kushner ("Charles") is a principal of the Kushner Companies whose principal place of business is 18 Columbia Turnpike, Florham Park, New Jersey.

4. Upon information and belief, defendant Richard Stadtmauer ("Stadtmauer") is a principal of the Kushner Companies whose principal place of business is 18 Columbia Turnpike, Florham Park, New Jersey.

JURISDICTION AND VENUE

5. This action arises under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §621 et seq., and other related laws of the State of New Jersey. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §1331. In addition, the Court has jurisdiction over the state law claims pursuant to 28 U.S.C. §1367.

6. Venue is properly laid in the District of New Jersey pursuant to 28 U.S.C. §1291(b) since the Defendants are doing and transacting business within this jurisdictional district.

GENERAL ALLEGATIONS

7. From February 1999 to November 2002, Yontef was employed as the Accounting Manager by the Kushner Companies.

8. As the Accounting Manager, Yontef was responsible for overseeing the accounting and bookkeeping procedures for all the real estate entities (the "Entities") managed by the Kushner Companies.

9. Charles' family owns many of the Entities managed by the Kushner Companies.

10. Charles is currently involved in an arbitration with his brother Murray and other members of the family over Charles' illegal activities and mismanagement in connection with the Entities.

11. Yontef was a witness to many of the illegalities and wrongful activities that took place at the Kushner Companies to the prejudice of the general public, the IRS, and Charles' own partners and family members.

12. Yontef alerted his supervisors about the wrongful

activities and he was told to do as instructed. Other employees, including Alan Lefkowitz, a former CFO of the Kushner Companies,

were also told to do as instructed when they reported wrongful activities to the top managers.

I. CHARLES KUSHNER'S FRAUDS AGAINST
HIS PARTNERS, TENANTS AND THE IRS

A. Misallocation of Bills and Invoices

13. Each Entity that Charles manages is set up as an independent partnership or limited liability Company. Charles has established separate service companies, which he controls and primarily owns, to manage and service the Entities, which often have different partners.

14. The bills and invoices which come in from vendors and professionals are either paid directly by an Entity or, in many instances, by one of Charles' management services entities, frequently Westminster Management Disbursements ("WMD"). When WMD paid an invoice, that charge would then be allocated among the Entities, which reimbursed WMD.

15. The way the invoices are allocated is determined by Charles or by Richard Stadtmauer, who is Charles' brother-in-law and runs the operation of the Kushner Companies on Charles' behalf.

16. Once allocations were decided, Yontef was directed to make them in the books and cut the checks. Yontef was directed to make allocations not based on the services performed for

particular Entities but on the cash availability of the Entities. Thus, Entities that did not benefit from the services provided would nevertheless often pay for them.

17. Concerned about these misallocations, Yontef alerted his supervisors, Scott Zecher and Brian Bentzlin, who told him to do as he was instructed.

18. In addition, Yontef was instructed by Charles and Stadtmayer through Scott Zecher to miscode certain expenses that were ultimately paid by Entities that received no benefit from the expenditures.

B. Inappropriate Personal Charges As Business Expenses and Misappropriation of Funds from the Entities

19. Charles has a business American Express card issued to himself, his wife, Richard Stadtmayer, Jeffrey Freireich, head of land development and Gershin Chin, the head of human resources at the Kushner Companies. Many of the expenses charged on these cards, which are personal in nature, are then allocated to the Entities. These charges have included hundreds of thousands of dollars for sporting events, super bowl packages, play-off tickets, trips, and the like. Similarly, personal landscaping bills were paid with Entities funds as if they were business expenses.

20. Charles misappropriated funds from some of the Entities to purchase Highview Planning Insurance Agency for his

own benefit. Charles eventually returned those funds after his brother Murray, a partner in two of the Entities whose funds had been misappropriated, commenced litigation against Charles.

C. Diversion of funds from Tenants' Security Deposits

21. Each residential Entity is required by law to place the security deposits that the tenants provide for their apartments in an interest bearing escrow account.

22. Although tenant security accounts existed for each residential Entity, instead of placing those funds into escrow accounts, the funds were deposited into the Kushner Companies operating account.

23. When a tenant moved and it was necessary to reimburse the tenant for the security deposit, a check was issued from the operating account with the interest added on.

24. Part of Yontef's job was to reconcile the tenants' security accounts. Yontef's reconciliation revealed that by July 2001, more than \$3 million was missing from the tenants' security accounts.

25. Yontef was severely admonished for informing Tom Martin, the Company's in-house counsel, about the missing funds.

D. Improper Allocation of Political and Charitable Contributions

26. Charles made large charitable and political donations. At times, he had the Entities either directly make a donation to a charity if it had available funds, or had WMD pay the donation and allocate it among the Entities.

27. Most of these substantial contributions - well into millions of dollars per year - were made mostly in Charles' name even though the funds came from the Entities.

28. At the end of each year, as part of Yontef's responsibilities, he would forward to Schonbraum, Safris McCann Bekritsky & Co. LLC, the Kushner Companies' accountants, the trial balances which listed all the contributions made by the Entities. The completed tax returns (signed by Stadtmauer) for some of the Entities, however, listed no charitable contributions whatsoever.

29. Charles also contributed millions to politicians and political organizations.

30. Initially, contributions that Charles made through the Entities were returned because there was a requirement that the names of partners be given when a partnership makes a political contribution. As a result, Charles issued partnership checks for the contribution and then attributed the contribution to particular partners. These partners, however, were not notified

F. Other Misconduct in Connection with Banking Activities

35. On a daily basis, the Westminster Management disbursement account and the Kushner Companies' payroll accounts were overdrafted. The overdrafting of those accounts was in violation of banking regulations.

G. Overcharging the Entities for Management Services

36. The Entities pay a 5% management fee based on the gross rents of the Entities to Charles' management Companies. The management fee exceeds \$5,000,000 per year.

37. Each Entity also directly pays for its own on-site employees, such as superintendents.

38. In addition to the management fee and each Entity's direct expenses, the payroll expenses of virtually all of Charles' employees, including executive personnel and headquarters' staff, are paid from and improperly allocated among the Entities.

H. Improprieties in Connection with Distributions to Partners

39. Until the fall of 1999, Charles' brother Murray and his family received regular monthly distribution checks from the Entities.

40. In September 1999, Yontef was told to continue issuing the checks but to void them because the funds due to Murray and

his family were wired to a separate Westminster Funding account at NorCrown Bank that was controlled by Charles. Some of these distributions were then used to meet supposed capital calls on properties in which Murray did not have an interest.

41. Similarly, after humiliating his sister Esther Schulder publicly and after firing Esther's husband, Charles arbitrarily stopped the distributions due to Esther in September 2001 as one of the partners in the Entities.

42. Over the years of Yontef's employment, Charles would make distributions to himself from certain Entities without making proportionate distributions to other partners in those Entities.

I. Misrepresentations Regarding Document Retention Policy

43. Yontef learned that in response to discovery requests made by Murray Kushner in the pending arbitration proceeding against Charles, the latter together with Richard Stadtmauer and other representatives of the Kushner Companies claimed that it was Company policy to destroy many of the financial, accounting, and payroll records.

44. The records, however, existed at the time they were requested. Indeed, Yontef himself had been asked to assemble them in response to the discovery request. Subsequently, Yontef learned through Price Waterhouse, the auditor/monitor imposed on

the Kushner Companies in the arbitration between Charles and Murray, that many of those records had been destroyed and Price Waterhouse was attempting to reconstruct them. As part of its duties, Price Waterhouse repeatedly asked Yontef for help on finding and resurrecting data that was originally there. Yontef was also aware that Price Waterhouse was overseeing revenues and approving expenditures as well as operations through his conversations with its representatives.

II. YONTEF DISCLOSES CHARLES' WRONGFUL AND FRAUDULENT ACTS TO CHARLES' PARTNERS

45. Concerned over Charles' management of the Kushner Companies and frustrated by the lack of response from his immediate supervisors to the wrongful and illegal conduct, Yontef disclosed Charles' wrongful conduct to Esther Schulder, who is a friend of Yontef.

46. Esther, in turn, introduced Yontef to her brother Murray. Yontef also disclosed Charles' wrongdoings to Murray.

47. On or about June 2002, Yontef prepared and signed a certification (the "Certification") that was filed in the arbitration proceeding between Murray and Charles. The Certification revealed many of the illegalities and wrongdoing perpetrated by the Charles, Richard Stadtmauer and the Kushner Companies. A copy of the Certification is attached hereto as Exhibit A and incorporated herein by reference.

48. Upon learning of (a) Yontef's communications with Esther Schulder and Murray, and (b) the filing of the Certification, and (c) with the immediate threat that the Certification would be made available to a public body, Charles and Stadtmauer personally fired Yontef from the Company on or about June 25, 2002. See Certification of Robert Yontef dated June 25, 2002, attached hereto as Exhibit B and incorporated herein by reference.

49. On June 26, 2002, Charles' attorney reversed the dismissal order and asked that Yontef return to work.

III. CONSTRUCTIVE RETALIATORY AND DISCRIMINATORY DISCHARGE

50. On June 27, 2002, Yontef reported back to work at the office. His desk had been completely emptied and all its contents were put in boxes inside the office of Scott Zecher. Similarly, all working files were taken away from Yontef's computer. Yontef's access to the office e-mail system was curtailed such that general e-mails sent to distribution lists were not received by Yontef.

51. Yontef's mail--even personal correspondence--was routinely rerouted and opened by other employees at the Company.

52. In addition, Yontef was ostracized. No employee reported to him any more despite the fact that he had previously managed and supervised the work of ten employees. Other

employees were scolded for talking to Yontef. Larry Glinsky, an employee who left the Company, told Yontef that everybody at the office knew that Yontef had no control, no job, was just there and expected to leave soon.

53. His job assignments were severely limited to discrete technical projects such as helping out with the set up of a new accounting software for the Company. Yontef, who in June 2001, had been named the first Kushner Companies' Employee of the Month, found himself with little or no productive work to do.

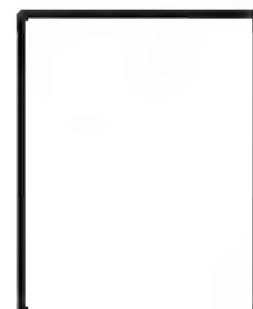
54. On or about August 16, 2002, Yontef found that Deborah Ford was hired as Director of Accounting to oversee the accounting department -- essentially a replacement to Yontef in all but in name.

55. On August 20, 2002, without any formal introduction from anyone at the Company, Ms. Ford approached Yontef to get the training she needed for her new position. Yontef trained her for many days. Ms. Ford was young, inexperienced and needed constant instruction and guidance from Yontef.

56. On September 3, 2002, Yontef wrote a letter to Scott Zecher, complaining about the deliberate steps taken to isolate him and to force him out of the Company. A copy of the letter is attached hereto as Exhibit C. He received no response.

57. Days would go by without any work being given to Yontef.

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58. On September 25, 2002, without any warning, the new accounting software, MRI, was removed from Yontef's computer. The next two days, Yontef was asked to do reconciliation of accounts works with paper rather than electronic records, an inefficient, old-fashion way of performing the task.

59. Despite reinstalling the MRI program to Yontef's computer by the end of September, work trickled down to almost nothing during the first two weeks of October, 2002.

60. As work trickled down to nothing, the isolation of Yontef intensified. Despite working on a desk in an open area and seeing the people in the accounting department every day, no one talked to Yontef. Furthermore, when Yontef did talk to Dante Zaragora, a clerk in the accounting department, about some errors in the data base, Ms. Ford got angry and let Yontef know that he should not communicate directly with anyone in the accounting department.

61. Given the isolation, the curtailment of his duties, the lack of meaningful work, and the hiring of a younger and inexperienced replacement, Mr. Yontef had been essentially fired from his position at the Company in retaliation for disclosing wrongdoings to Charles' partners and the threat of disclosing the same wrongdoings to public bodies.

62. The Defendants' harassment tactics continued even after Yontef was fired. Other Kushner employees who have had

some social contacts with Yontef have been interrogated by the Defendants about those contacts and warned to cut off all communications with Yontef.

63. On or about November 18, 2002, Yontef filed a charge of discrimination against the Defendants before the United States Equal Employment Opportunity Commission ("EEOC").

64. On or about January 27, 2003, the EEOC closed its file on the charge and issue a right to sue notice, advising Yontef that he had to file a suit within 90 days of the date of receipt of the notice. A copy of the EEOC right to sue notice is attached hereto as Exhibit D.

COUNT I
(VIOLATION OF ADEA)

65. At age 53, Yontef was in a protected group under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 et seq.

66. Yontef was performing his job at a level that met his employer's legitimate expectations. Indeed, Yontef was performing his job at an exceptional level and the Defendants recognized his achievement by naming him first Employee of the Month in July 2001.

67. Nevertheless, Yontef was fired by the Defendants and replaced by Ms. Ford, a younger and more inexperienced person to perform the same work after Yontef's termination.

68. Charles and Stadtmauer directed and assisted the Kushner Companies to fire Yontef and replace him with a younger and more inexperienced person to perform Yontef's job.

WHEREFORE, Yontef demands that judgment be entered in his favor and against the Defendants for compensatory and punitive damages, emotional distress, reinstatement to his position with full responsibilities and benefits, attorneys' fees and costs of suit, and for any other relief that the Court may deem just and fair.

COUNT II
(VIOLATION OF LAW AGAINST DISCRIMINATION)

69. Yontef restates and realleges the allegations set forth above and incorporates them herein by reference.

70. At age 54, Yontef was in a protected group under the New Jersey Law against Discrimination (N.J.S.A. 10:5-1 et seq.).

71. Yontef's firing and replacement with a younger, inexperienced employee was in violation of New Jersey Law against Discrimination, N.J.S.A. 10:5-1 et seq.

WHEREFORE, Yontef demands that judgment be entered in his favor and against the Defendants for compensatory and punitive damages, emotional distress, reinstatement to his position with full responsibilities and benefits, attorneys' fees and costs of suit, and for any other relief that the Court may deem just and fair.

COUNT III
(CEPA VIOLATION)

72. Yontef restates and realleges the allegations set forth above and incorporates them herein by reference.

73. Yontef reasonably believed that the Defendants, through Charles and other principals of the Kushner Companies, were engaged in illegal activities.

74. As a result of such belief, and given his direct supervisors complicity or ineffectiveness in dealing with Charles, Yontef disclosed the illegal activities to Charles' partners and threatened to disclose the illegalities to public bodies by signing the Certification.

75. The Defendants took illegal, retaliatory action by constructively dismissing Yontef in violation of N.J.S.A. § 39-19-3.

76. Charles and Stadtmauer encouraged and directed the Kushner Companies to dismiss Yontef to cover up their own individual wrongdoing and illegalities.

77. Yontef has suffered damages as a result of the Defendants' wrongful retaliatory action.

WHEREFORE, Yontef demands that judgment be entered in his favor and against the Defendants for compensatory and punitive damages, emotional distress, reinstatement to his position with full responsibilities and benefits, attorneys' fees and costs of

suit, and for any other relief that the Court may deem just and fair.

COUNT IV
(WRONGFUL RETALIATORY TERMINATION)

78. Yontef restates and realleges the allegations set forth above and incorporates them herein by reference.

79. The retaliatory discharge was a direct violation of a clear mandate of public policy encouraging citizens to report suspected illegalities.

80. As a result of the retaliatory discharge, Yontef has suffered damages.

WHEREFORE, Yontef demands that judgment be entered in his favor and against the Defendants for compensatory and punitive damages, emotional distress, reinstatement to his position with full responsibilities and benefits, attorneys' fees and costs of suit, and for any other relief that the Court may deem just and fair.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury on all counts
of this Complaint.

McCARTER & ENGLISH, LLP
Attorneys for Plaintiff
Robert Yontef

BY: 

THEODORE D. MOSKOWITZ
A Member of the Firm

Dated: February 3, 2003

CERTIFICATION

I hereby certify that the damages recoverable in this action exceed the sum of \$100,000 exclusive of interest and costs and any claim for punitive damages. Thus, this action is not eligible for mandatory arbitration pursuant to Civil Rule 201.1.

I hereby certify that the foregoing statements made by me are true, and I am aware that, if any of the same is willfully false, I am subject to punishment.

McCarter & English, LLP
Attorneys for Plaintiff,
~~Robert Yontef~~

BY: Theodore D. Moskowitz
THEODORE D. MOSKOWITZ
A Member of the Firm

Dated: September 17, 2003

FACSIMILE - (973) 297-2008

United States Department of Justice
U.S. Attorney, District of New Jersey
970 Broad Street, 7TH Floor
Newark, New Jersey 07102

CHRISTOPHER J. CHRISTIE, UNITED STATES ATTORNEY

EXECUTIVE OFFICE

Date: 2/13/02

Pages to follow: 1

Deliver To:

-FBI Fax: (973) 792-3035

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☐ **URGENT** Delivery

☐ **NORMAL** Delivery

Sent By:

FIRST ASSISTANT

Sender's Phone #

Subject/Comment:

THIS TRANSMISSION FROM THE UNITED STATES ATTORNEY'S OFFICE IS INTENDED ONLY FOR THE USE OF THE PERSON OR ENTITY LISTED ON THIS TRANSMITTAL COVER SHEET AND MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION. IF YOU ARE NOT AN INTENDED RECIPIENT OF THIS FACSIMILE, THE DISSEMINATION, DISTRIBUTION, COPYING OR USE OF THE INFORMATION IT CONTAINS IS PROHIBITED. IF THIS TRANSMISSION HAS BEEN SENT OR DIRECTED TO YOU IN ERROR, PLEASE CALL THE SENDER IMMEDIATELY TO ARRANGE FOR ITS RETURN.

1:45
BP

United States District Court

DISTRICT OF NEW JERSEY

TO

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

☐ PERSON ☒ DOCUMENTS OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE

United States District Court
U.S. Post Office & Courthouse Bldg.
Federal Square
Newark, New Jersey 07102

ROOM

Grand Jury

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DATE AND TIME

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

DISCLOSURE OF THE NATURE AND EXISTENCE OF THIS SUBPOENA COULD OBSTRUCT AND IMPEDE A CRIMINAL INVESTIGATION INTO ALLEGED VIOLATIONS OF FEDERAL LAW. THEREFORE, THE UNITED STATES ATTORNEY REQUESTS THAT YOU DO NOT DISCLOSE THE EXISTENCE OF THIS SUBPOENA.

☐ Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

WILLIAM T. WALSH

Date

(BY) DEPUTY CLERK

2/19/03

This subpoena is issued upon application
of the United States of America

CHRISTOPHER J. CHRISTIE
United States Attorney

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

AUSA
U.S. Attorney's Office
970 Broad Street, 7th Fl.
Newark, NJ 07102

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*If not applicable, enter "none."

To be used in lieu of A0110

FORM OBD-227
Revised April 2000

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/05/2003

To: Newark

From: Newark

C-8

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 (Pending)-13

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO - State Level, Mail Fraud;
OO:NEWARK

Synopsis: [REDACTED]
[REDACTED]

Details: On [REDACTED] the writer, Assistant United States
Attorney (AUSA) [REDACTED] AUSA [REDACTED] Internal Revenue
Service (IRS) Special Agent [REDACTED] and Investigator

♦♦

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194A-NK-109145-13
TAM



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 194A-NK-109145-15

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

March 25, 2003

[redacted]
United States Department of Justice
Public Integrity Division
1400 New York Avenue, N.W.
12th Floor
Washington, D.C. 20005

Dear [redacted]

As you discussed with Special Agent [redacted]
[redacted] on March 24, 2003, enclosed for your review are FBI
investigative reports, various documents obtained from court
filings and a sample of documents obtained through the service of
Federal Grand Jury subpoenas. Please contact Special Agent
[redacted] at [redacted] if you have any additional
questions related to the materials.

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Sincerely,

Louie F. Allen
Special Agent in Charge

By:

[redacted]
Supervisory Special Agent

act/AM
15
194A-NK-109145-15 TAM



FBI FACSIMILE
COVERSHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☐ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: _____
(including coversheet)

To: Public Integrity
Name of Office

Date: 4/17/03

Facsimile Number: _____
Attn: P.I. Chief
Name Room Telephone

From: FBI Newark Division
Name of Office

Subject: _____

Special Handling Instructions: _____

Originator's Name: SA _____ Telephone: _____

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

*FAK sent
4/17/03
TAM*

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-22
194A-NK-109145-00
TAM

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/18/2003

To: Newark

From: Newark

C-8

Contact: SA [REDACTED]

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Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 (Pending)-23

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO, Mail Fraud;
OO: Newark

Synopsis: Electronic Communication documenting a meeting held at the United States Attorney's Office on April 10, 2003.

Details: On April 10, 2003, a meeting was held at the United States Attorney's Office and the following individuals were present: Assistant United States Attorney (AUSA) [REDACTED] AUSA [REDACTED] United States Attorney's Office Investigator [REDACTED] United States Postal Inspector [REDACTED] Department of Justice, Office of Public Integrity (DOJ/OPI) Chief [REDACTED] DOJ/OPI Trial Attorney [REDACTED] DOJ/OPI Election Crimes Director [REDACTED] and FBI Special Agent [REDACTED]

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194A-NK-109145-23
7/1/07



U.S. Department of Justice

United States Attorney
District of New Jersey
Criminal Division

Lee A. Solomon
Deputy U.S. Attorney

CAMDEN FEDERAL BUILDING and
U.S. COURTHOUSE
Mailing Address: P. O. Box 2098
401 Market Street, Fourth Floor
Camden, New Jersey 08101

856/757-5026
FAX 856/968-4917

May 5, 2003

[redacted] Special Agent
Federal Bureau of Investigation
11 Centre Place
Newark, New Jersey 07102

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Re: Disclosure of Grand Jury Materials
In Re: [redacted]

Dear Agent [redacted]

The Grand Jury materials are being disclosed to you pursuant to Rule 6(e)(3)(A), which provides in pertinent part:

Disclosure of a grand jury matter--other than the grand jury's deliberations or any grand juror's vote--may be made to

. . .

(ii) any government personnel--including those of a state or state subdivision or of an Indian tribe--that an attorney for the government considers necessary to assist in performing that attorney's duty to enforce federal criminal law.

In connection with the disclosure of this information, however, please be advised that Rule 6(e)(3)(B) provides:

Any person to whom information is disclosed under Rule 6(e)(3)(A)(ii) may use that information only to assist an attorney for the government in performing that attorney's duty to enforce federal criminal law. An attorney for the government must promptly provide the court that impaneled the grand jury with the names of all persons to whom disclosure has been made, and must certify that the attorney has advised those persons of their obligation of secrecy

194A-NK-109145-32
TAN

under this rule.

Pursuant to this requirement, your name is being supplied to the District Court as an individual to whom disclosure has been made. If it is necessary for you in turn to disclose grand jury materials to additional agents or others for the purpose of assisting the government attorney conducting this specific grand jury investigation, you are to maintain a record of such disclosure, such as by transmittal letter, memorandum or the like. Rule 6(e)(7) provides that "[a] knowing violation of Rule 6 may be punished as a contempt of court."

In order to comply with the requirements of Rule 6(e), please keep me advised of the status of the investigative steps instituted based on the grand jury material disclosed to you.

Please sign the enclosed copy of this letter, circulate it among any other personnel whose names appear below, and return the signed copy to me in the enclosed self-addressed envelope.

Very truly yours,

CHRISTOPHER J. CHRISTIE
United States Attorney

Assistant U.S. Attorney

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b7c

Received by me this day of May, 2003

Supervisory Special Agent

Special Agent



FBI FACSIMILE
COVERSHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☐ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 31
(including coversheet)

To: DOJ - Public Integrity
Name of Office

Date: 6/19/03

Facsimile Number: _____
Attn: _____
Name Room Telephone

From: FBI Newark Division
Name of Office

Subject: _____

Faxed to
6/19/03 9:20AM
TAM
b3
b6
b7C

Special Handling Instructions: _____

Originator's Name: SA _____ Telephone: _____

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

194A-NK-109145-36
TAM

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/01/2003

To: Boston

Attn: Public Corruption Squad

Washington Field

Attn: Public Corruption Squad

From: Newark ✓
Squad C-8

Contact: SA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 *34* (Pending)

Title: CHARLES A. KUSHNER;
RICHARD STADTMAUER;
dba KUSHNER COMPANIES,
18 COLUMBIA TURNPIKE, FLORHAM PARK, NJ;
CSLPO - STATE LEVEL, MAIL FRAUD;
OO:NEWARK

[REDACTED] AND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

[REDACTED] s: Electronic Communication to set lead to serve the
[REDACTED] d subpoenas.

[REDACTED] re(s): [REDACTED]

b3

Details: The captioned investigation involves Charles Kushner, who is the Chairman of Kushner Companies located in Florham Park, NJ. Kushner Companies is a real estate company that manages commercial and residential real estate holdings and develops housing and industrial areas. Kushner Companies' commercial and residential real estate holdings are made up of approximately 150 partnerships which own the properties. Charles Kushner is the designated general partner of all of the partnerships and

213TAM01.62

To: Boston From: Newark
Re: 194A-NK-109145, 08/01/2003

exclusively controls the finances of each partnership. The limited partners who originally invested in the projects are made up of family members, friends and outside investors.

Since approximately 1997, Kushner has donated millions of dollars to political parties and candidates by using the names of the limited partners. The investigation has determined that many of the limited partners had no knowledge that the political contributions were being made in their name. Kushner has also used the funds of the partnerships that he controls to make millions of dollars of charitable contributions. Most times the charitable contributions are made in Kushner's name, but are paid for with partnership funds.

b3
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b7C

To: Boston From: Newark
Re: 194A-NK-109145, 08/01/2003

LEAD(s) :

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON, D.C.

Set Lead 2: (Action)

BOSTON

AT BOSTON, MA

Set Lead 3: (Action)

BOSTON

AT BOSTON, MA

Set Lead 4: (Action)

BOSTON

AT BOSTON, MA

♦♦

b3

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/07/2003

To: Newark

Attn: SA [REDACTED]
Squad C-8

From: Washington Field
CR-10

Contact: SA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 ³⁹ (Pending)

Title: CHARLES A. KUSHNER;
RICHARD STADTMAUER;
dba KUSHNER COMPANIES,
18 COLUMBIA TURNPIKE, FLORHAM PARK, NJ;
CSLPO - STATE LEVEL, MAIL FRAUD;
OO:NEWARK

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: Lead covered.

Reference: 194A-NK-109145 Serial 37

Enclosure(s): An original executed subpoena with attachments
that was served on [REDACTED]

b3
b6
b7C

Details: Referenced communication requested that [REDACTED]

[REDACTED]

WFO considers this lead covered.

FBI FACSIMILE
COVER SHEET

PRECEDENCE

☐ Immediate
☐ Priority
☒ Routine

CLASSIFICATION

☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☒ Unclassified

Time Transmitted: _____
 Sender's Initials: _____
 Number of Pages: 5
 (including cover sheet)

To: Public Integrity Date: 8/7/03
Name of Office

Facsimile Number:

Attn: ALFA
Name

Room	Telephone
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From: FBI - Newark Division

Subject:

Sent to
5:46 PM
8/2/03
Tam

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b6
b7C

Special Handling Instructions: _____

Originator's Name: SA	Telephone:
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Originator's Facsimile Number:		
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Approved: _____

Brief Description of Communication Faxed: _____

WARNING

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194A-NK-109145

AK
40

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/18/2003

To: Washington Field

Attn: Public Corruption Squad

From: Newark ✓
Squad C-8

Contact: SA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 194A-NK-109145 *UO* (Pending)

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO- State Level;
MAIL FRAUD;
OO: NEWARK

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: Electronic Communication requesting that Washington Field Office served the enclosed subpoenas.

Enclosure(s): [REDACTED]

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b7C

[REDACTED]

194A-NK-109145-42
7/19/03

To: Washington Field From: Newark
Re: 194A-NK-109145 , 08/18/2003



b3
b6
b7C

To: Washington Field From: Newark
Re: 194A-NK-109145 , 08/18/2003

LEAD(s) :

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON, D.C.



b3

♦♦